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Paper No. 28

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In re Application of: : DECISION ON PETITION
John E. Cook et al. :
Serial No.: 09/165,772 :
Filed: October 2, 1998 :
For: TEMPERATURE CORRECTION METHOD AND :
SUBSYSTEM FOR AUTOMOTIVE :
EVAPORATIVE LEAK DETECTION SYSTEM :
:

This is a decision on the petition, filed February 20, 2004, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failing to file an appeal to seek court review of the decision of September 24, 2003 by the Board of Patent Appeals and Interferences wherein the rejections of all pending claims were affirmed. A Notice of Abandonment was mailed on December 30, 2003.

Petitioner states that a Request for Continued Examination (RCE) was filed on November 24, 2003, before the two-month time period for seeking review by a court of law expired. To support this assertion, petitioner has submitted a copy of the request for RCE and an amendment. And an authorization to charge the fees for filing the RCE to petitioner's Deposit Account. Also submitted is a copy of a postcard receipt listing these items and stamped by the USPTO as having been received on November 24, 2003.

The RCE and the amendment were not matched with the application file and cannot be located. However, the finance record indicates that the fee of \$770 for the RCE was collected from petitioner's Deposit Account.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The copies of the RCE and of the amendment are accepted since the originally filed response is apparently lost.

The application file is being forwarded to the technical support staff for processing the RCE and entering the amendment. From there, the file will be returned to the examiner for further examination.



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